

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

UNITED STATES OF AMERICA,	:	
	:	CASE NO.
v.	:	5:08-CR-47 (CAR)
	:	
GREGORY RUTHERFORD,	:	
	:	
Petitioner.	:	

ORDER ON THE RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 69] that Petitioner Gregory Rutherford's sentence be vacated, and that he be allowed to file an out of time appeal. This Recommendation was issued based on the Joint Motion of the Petitioner and the United States of America. Thus, no objection was filed.

Having considered the matter, the Court agrees with the findings and conclusions of the United States Magistrate Judge. The Recommendation is therefore **ADOPTED** and **MADE THE ORDER OF THE COURT**. Petitioner's sentence is hereby **VACATED**, and his original sentence shall be **REIMPOSED** in a new judgment. Petitioner shall be advised of his right to appeal and the time for an appeal.

SO ORDERED, this 26th day of March, 2012.

S/ C. Ashley Royal

C. ASHLEY ROYAL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

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